SOUTHERN DISTRICT OF NEW YORK		
ROBERT MILTON,	x :	
Plaintiff,	: :	No. 19-CV-2770 (VEC) (OTW)
-against-	:	<u>ORDER</u>
CORRECTION OFFICER REHMAN, et al.,	: :	
Defendants.	:	
	:	
	X	

ONA T. WANG, United States Magistrate Judge:

UNITED STATES DISTRICT COURT

After considering Defendants' letters, Sergeant Marmolejos's affidavit, and *pro se*Plaintiff's letter (ECF 88–92), the Court *sua sponte* raises the issue of appointing pro bono counsel for the limited purpose of completing discovery, including depositions.

See 28 U.S.C. § 1915(e)(1) ("[The Court] may request an attorney to represent any person unable to afford counsel."); see also Hodge v. Police Officers, 802 F.2d 58, 61 (2d Cir. 1986) ("If a case's factual issues turn on credibility, this should weigh on the side of appointing counsel since it is more likely that the truth will be exposed where both sides are represented by those trained in the presentation of evidence and in cross-examination.") (internal quotation omitted).

Over the past several months, the discovery dispute in this case has become more complex. On at least two occasions, *pro se* Plaintiff has sought guidance on how to litigate his case. *See* ECF 45 (asking about next steps in executing service); ECF 70 (expressing, *inter alia*, difficulty in managing *pro se* representation and acknowledging that he is not a "trained"

¹ The Court is concerned that the City has not been able to produce relevant portions of video evidence that it admits should have been created and preserved in the normal course. (ECF 88).

attorney"). By August 5, 2022, Plaintiff is directed to inform the Court as to whether he wants pro bono counsel in this case.

Discovery is extended to October 30, 2022.

The Clerk of Court is respectfully directed to mail a copy of this Order to pro se Plaintiff.

SO ORDERED.

Dated: July 22, 2022

New York, New York

s/ Ona T. Wang

Ona T. Wang United States Magistrate Judge